

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

FFY 2011

State: CA



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the Substance Abuse Prevention and Treatment (SAPT) Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and three hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Substance Abuse and Mental Health Services Administration (SAMHSA) Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid Federal Office of Management and Budget (OMB) control number. The OMB control number for this project is 0930-0222 with an expiration date of 05-31-2013.

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (Federal Fiscal Year [FFY] 2010 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2011 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze substate needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information

¹The term “State” is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email using the directory provided in the FY 2011 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The ASR must be received by SAMHSA no later than December 31, 2010. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the ASR using the online WebBGAS (Block Grant Application System). In addition, the following items must be uploaded to WebBGAS:

- FFY 2011 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel) to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections.

Each State SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20850

FFY 2011: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT	
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.	
SYNAR SURVEY SAMPLING METHODOLOGY	
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2011 is up-to-date and approved by the Center for Substance Abuse Prevention.	
SYNAR SURVEY INSPECTION PROTOCOL	
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2011 is up-to-date and approved by the Center for Substance Abuse Prevention.	
State: CALIFORNIA	
Name of Chief Executive Officer or Designee: KIMBERLY BELSHÉ	
Signature of CEO or Designee:	
Title: Secretary, CA Health & Human Services Agency Date Signed:	
If signed by a designee, a copy of the designation must be attached.	

SECTION I: FFY 2010 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. If any changes were made to the State law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also upload a copy of the State law to WebBGAS. (see 42 U.S.C. 300x-26).**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change. (Check all that apply.)

- ☐ Changed to require that law enforcement conduct inspections of tobacco outlets
☐ Changed to make it illegal for youth to possess, purchase or receive tobacco
☐ Changed to require ID to purchase tobacco
☐ Other change(s) (Please describe.) _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change. (Check all that apply.)

- ☐ Total ban enacted
☐ Banned from location(s) accessible to youth
☐ Locking device or supervision required
☐ Other change(s) (Please describe.) _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State prior to submission of the ASR. (Check all that apply.)**

- ☐ Placed on file for public review
☒ Posted on a State agency Web site (Please provide exact Web address.)
<http://www.adp.ca.gov>*

Notice published in a newspaper or newsletter

- ☐ Public hearing
- ☐ Announced in a news release, a press conference, or discussed in a media interview
- ☐ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) (*Please describe.*)

*Note: The California Department of Alcohol and Drug Programs (ADP) posts a draft copy of the ASR on the ADP Web site for public review and comment for two weeks prior to submitting the final ASR to SAMHSA for approval. When the ASR is submitted to SAMHSA, it is removed from the Web site. Once the ASR is approved, ADP reposts the final version on the Web site at:

<http://www.adp.ca.gov/Funding/synar/shtml>

3. Identify the following agency or agencies (*see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130*).

a. The State agency(ies) designated by the Governor for oversight of the Synar requirements:

ADP and the California Department of Public Health (CDPH) have shared responsibility to oversee the Synar requirements. The Stop Tobacco Access to Kids Enforcement (STAKE) Act of 1994 (Business and Professions [B&P]) Code Section 22950-22963 requires the annual transfer of \$2 million from ADP's SAPT block grant to CDPH to administer the provisions of the Synar Amendment.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(ies) responsible for conducting random, unannounced Synar inspections:

CDPH has contracts with the Behavioral Health Institute (BHI) of the San Diego State University Research Foundation, a nonprofit education corporation organized under the laws of the State of California, to conduct the annual random, unannounced inspections of tobacco outlets.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(ies) responsible for enforcing youth tobacco access law(s):

CDPH Food and Drug Branch (FDB) is the statewide enforcement agency responsible for enforcing the STAKE Act, however, as a result of legislation enacted in 2007, other state agencies as well as local law enforcement agencies are now authorized to enforce the STAKE Act. In addition, local law enforcement agencies are responsible for enforcing other tobacco control laws, including Penal Code (PC) Section 308 (a), illegal tobacco sales to minors.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).

CDPH, California Tobacco Control Program (CTCP) is responsible for administering California's statewide tobacco prevention and control activities as authorized in Health and Safety Code Part 3, Chapter 1, Section 104350, to comply with Proposition (Prop) 99, the Tobacco Tax and Health Protection Act of 1988.

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☐ Have an informal partnership
- ☐ Conduct joint planning activities
- ☐ Combine resources
- ☒ Have other collaborative arrangement(s) *(Please describe.)* Oversight of the Synar requirements is a shared responsibility: 1) CDPH is responsible for conducting the annual Synar survey and preparation of the ASR; and 2) ADP is responsible for review and State approval of the ASR and submission to SAMHSA as part of the SAPT block grant application.

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2010 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only.)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☐ Enforcement is conducted exclusively by State agency(ies).
- ☒ Enforcement is conducted by both local *and* State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested. If State law does not allow for an item, please mark "NA" (not applicable). If a response for an item is unknown, please mark "UNK." The chart must be filled in completely.

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	614	0	614 ¹
Number of <u>fines assessed</u>	614	0	614 ¹
Number of <u>permits/licenses suspended</u>	179		179 ²
Number of <u>permits/licenses revoked</u>	0		0

Other (<i>Please describe.</i>)			
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¹Reflects only those civil penalties assessed by the CDPH Food and Drug Branch. Citations and fines assessed by over 2,000 local enforcement agencies are not reported to any state agency and therefore are not available.

²Reflects only state tobacco retailer licenses suspended.

c. Which one of the following best describes the level of enforcement of youth access to tobacco laws carried out in your State? (*Check one category only.*)

- ☐ Enforcement is conducted only at those outlets randomly selected for the Synar survey.
- ☐ Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.
- ☒ Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

d. Did every tobacco outlet in the State receive at least one enforcement compliance check in the last year?

- ☐ Yes
- ☒ No

e. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (*Check all that apply.*)

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)
- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☒ Other activities (*Please list.*) Collaboration with the California Attorney General's (AG) Office, Tobacco Litigation Unit; Collaboration with the Board of Equalization (BOE), Tobacco Licensing Program; and Evaluation and Surveillance Activities

Briefly describe all checked activities:

Merchant education and/or training:

CTCP uses a multi-faceted, multi-agency, coordinated approach to educate approximately 38,000 California tobacco retailers about youth access laws. This includes dissemination of a tobacco retailer PowerPoint training titled *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws*. It includes an introductory letter to retailers and a clerk quiz. This training tool is accessible to the public on both the CTCP Web site and the Strategic Tobacco Retail Effort (STORE) Web site at:

<http://www.cdph.ca.gov/programs/Tobacco/Pages/CTCPRetailerResources.aspx>

CTCP also develops and provides educational materials. These materials are used to conduct merchant education, training, and inspections at the local and regional level. Approximately 140,822 pieces of educational materials were distributed to retailers, local and state law enforcement agencies, local health departments, community-based organizations, and tobacco companies from July 1, 2009 through June 30, 2010. Educational materials disseminated included a ten-item information kit titled *Avoiding Fines and Penalties While Selling Tobacco*, a brochure (to be updated in 2010) titled *Tobacco Control Laws That Affect Retail Businesses*, and the STAKE Act age-of-sale warning sticker signs. Approximately 12,500 copies of the brochure, 22,900 copies of the sticker signs, and 640 complete kits were shipped to BOE upon request for distribution to retailers applying for or renewing their tobacco seller's license. In addition to all existing pieces, a flyer/insert was created in September 2009, of which a total of 31,000 pieces were shipped to BOE for distribution with renewal of licenses.

The FDB STAKE Act Enforcement Unit also conducts merchant education by either providing retail store personnel with educational materials about California's tobacco retailer laws, or by referring them to the Tobacco Education Clearinghouse of California (TECC) if additional materials are needed. This information is provided subsequent to a STAKE Act inspection resulting in an unlawful sale to a decoy, and during the retailer notification of the violation. In addition, FDB sends official letters to STAKE Act violators, outlining abbreviated compliance requirements of youth access laws. Approximately 614 letters were mailed to tobacco retailers between July 2009 and June 2010. During FFY 2011, the STAKE Act Enforcement Unit will continue to conduct undercover on-site tobacco retailer inspections using teen-aged decoys ages 15-16 as mandated. The STAKE Act investigators conduct over 2,500 inspections annually. Stores checked for compliance are generally selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free complaint line by concerned citizens.

Incentives for merchants who are in compliance:

All of the 61 local county and city health departments and many of the competitive grantees funded by CTCP utilize various interventions to reduce youth access to tobacco and encourage enforcement of tobacco laws affecting retailers. Numerous programs engage in various forms of merchant incentives, including retailer public recognition for compliance via press releases, newspaper articles, Web site postings, plaques, store signage and sticker campaigns, and "report card" programs highlighting youth access law compliance.

Community education regarding youth access laws:

CTCP creates and updates youth access materials for tobacco control advocates in the field. These materials are available statewide through TECC. Staff members of TECC, as well as the CTCP's Media Unit, are available to assist the state's tobacco control advocates in the creation of specific materials. Additionally, professional artwork designed by CTCP's Media Unit is provided for statewide projects to

utilize when they design collateral materials. Staff from local projects utilize available materials from the TECC catalog and/or create original materials for local distribution. Many of these materials promote the STAKE Act-mandated toll-free complaint line. Between June 2009 and July 2010, the complaint line logged 13 calls from the public reporting possible illegal tobacco sales to youth.

Media use to publicize compliance inspection results:

Local county health departments regularly release the results of their local youth tobacco purchase surveys, resulting in media coverage on the issue throughout the state. Additionally, the results of the 2009 Youth Tobacco Purchase Survey (YTPS) discussing California's historical low rate of 8.6 percent were included in a press release announced by CDPH and posted on its Web site. The posting and accompanying data charts were viewed approximately 1,120 times from September 29, 2009 to July 15, 2010. Several media stories ran regarding this data, including coverage by the Sacramento Bee.

The results of the 2010 YTPS are a result of the diligence of several agencies. Results will be released through a statewide press release and posted on CDPH's Web site. CTCP also hopes to conduct public relations efforts to announce California's successful efforts in addressing this issue, pending Department review and approval.

Community mobilization to increase support for retailer compliance with youth access laws:

CTCP-funded contractors conduct various educational and policy related interventions to reduce youth access to tobacco. CTCP is currently negotiating with 61 local health departments for work plans commencing July 2010 through June 2013, of which 20 have included an objective in their scope of work to adopt and/or implement tobacco retailer license policies. In addition, five competitive grantees are currently implementing educational and/or policy related interventions addressing youth access to tobacco in their 2010-2013 workplans. In preparation for the upcoming three-year workplan cycles for both local health departments and competitive grantees, CTCP staff worked with Point-of-Sales Practices (POSP) Workgroup members on developing sample local tobacco control project workplans focusing on tobacco retailer licensing and restricting tobacco ads in the retail environment.

As of July 2010, there are over 116 local tobacco retailer licensing policies on the books in California. A total of 79 of these policies include strong provisions that guarantee a self-sustaining, well enforced local licensing program.

CTCP collaborates with its POSP Workgroup on planning and implementing statewide technical assistance and skill building trainings on reducing tobacco availability for projects funded by CTCP. As reported previously, two highly successful Law Enforcement Roundtables were conducted between September 2008 and May 2009. A Law Enforcement Roundtable planning tips document was completed and released in October, 2009 as a means of helping to guide local tobacco control projects in planning, conducting, and evaluating their own

roundtables. The document will be revised in 2011 after additional roundtable(s) are convened.

CTCP staff involved internal and external stakeholders in the compilation of online feedback per the Food and Drug Administration's (FDA) request for public comments on elements of a tobacco retailer training program. External stakeholders included the California Office of the AG; FDB, and the Technical Assistance Legal Center (TALC).

CTCP provided several presentations on tobacco retailer licensing and related issues in 2009. CTCP staff provided presentations on tobacco retailer licensing, law enforcement roundtables and regulation of tobacco pricing and price manipulation schemes at the 2009 National Conference on Tobacco or Health. CTCP staff provided a presentation on tobacco retailer licensing at the 2009 National Synar Workshop. CTCP staff coordinated a panel presentation addressing tobacco retailer licensing for local health departments in October 2009. Panelists included speakers from CTCP, the field, and the Tobacco Control Evaluation Center. CTCP staff provided a presentation on California's local tobacco retailer licensing successes at the 2009 Governor's Prevention Advisory Council meeting which was very well received. The Council's purpose is to coordinate the State's strategic efforts to achieve measurable reductions in the incidence and prevalence of the inappropriate use of alcohol, tobacco, and other drugs by youth and adults. Finally, in 2010, CTCP staff provided direct feedback to the FDA on how retailers can most effectively be reached with education about the new FDA regulations.

The Center for Tobacco Policy and Organizing (the Center) and TALC provided educational materials, webinars and trainings to educate local health departments and competitive grantees on how to advance policies related to the new FDA regulations.

Collaboration with the AG:

The AG's office provides CTCP with expert legal review of merchant education resources and offers valuable input into the development of statewide strategies to reduce sales to minors and promote compliance with California and federal laws and regulations concerning the sale and marketing of tobacco products at retail. The AG's office provides CTCP with information and updates about new and existing multi-state agreements with national retail chains, known as Assurances of Voluntary Compliance (AVCs), concerning tobacco retailing, as well as information regarding tobacco manufacturer retailer programs. A total of fourteen agreements are now in place covering nearly 100,000 retail outlets nationwide.

Collaboration with BOE:

CTCP annually notifies BOE of the statewide rate of illegal tobacco sales to minors. FDB will be providing BOE with adjudicated STAKE Act violation data in order to facilitate tobacco retailer license suspension and revocation requirements of the Licensing Act (Cigarette and Tobacco Products Licensing Act of 2003 [Licensing Act], B&P Code commencing with Section 22970). CTCP also solicits expert review of merchant education materials from BOE and coordinates mass mailings

of educational brochures, STAKE Act age-of-sale warning signs, and order forms for merchant education materials through routine BOE mailings to retailers. BOE provides valuable input into the development of statewide strategies to strengthen tobacco retailer licensing efforts and improve enforcement of the Licensing Act. Since 2008, CTCP and CTCP-funded contractors have collaborated with BOE on the implementation of an ongoing regional retailer training program. While the primary purpose of the BOE trainings is to educate tobacco retailers about the Licensing Act, the training classes present a unique outreach opportunity for local tobacco control projects.

Evaluation and Surveillance Activities:

CTCP conducts ongoing surveillance through the California Tobacco Survey and the California Adult Tobacco Survey to monitor support for enforcement of tobacco sales to minors laws and regulatory efforts to decrease youth access to tobacco.

- f. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey?** ☐ Yes ☒ No

If “Yes” to 5f, please describe the State’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:

- g. Please describe the relationship between the State’s Synar program and the Food and Drug Administration-funded enforcement program:**

The State Synar Program under the State STAKE Act shares similar mandates with the federal Family Smoking Prevention and Tobacco Control Act enforced by US FDA. Due to these similar mandates and the experience of the State Synar program, the State Synar program provides input and feedback to FDA on implementation of the federal Act via web conferences, meetings, etc. Additionally, the enforcement agency for the State Synar program is FDB, which has existing relationships with other FDA public health programs in the areas of food safety, and drug and medical device safety. However, at this time there is no FDA-funded tobacco enforcement program in the state of California. FDA provided an opportunity for funding through a Request for Proposals (RFP) published by FDA in March 2010 but due to the limited timeline, FDB was not able to complete an RFP and obtain the necessary approvals in time to meet the deadline. FDB is preparing for the next RFP opportunity.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2010 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

- 6. Has the sampling methodology changed from the previous year?** ☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets (see 45 C.F.R. 96.130(d)(2)).

- a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?** ☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3, and 4 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (in Excel) to WebBGAS. Then go to Question 8. If No, continue to Question 7b.

- b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).**

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____ + (1.645 × _____) = _____
RVR Estimate plus (1.645 times **Standard Error**) equals **Right Limit**

Accuracy rate _____

Completion rate _____

- c. Fill out Form 1 in Appendix A (Forms1–5). (Required regardless of the sample design.)**

- d. How were the (weighted) RVR estimate and its standard error obtained?**
(Check the one that applies.)

☐ Form 2 (Optional) in Appendix A (Forms 1–5) *(Attach completed Form 2.)*

☐ Other *(Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.)*

- e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year?** ☐ Yes ☐ No ☐ No stratification

If Yes, explain how this situation was dealt with in variance estimation.

- f. Was a cluster sample design used? ☐ Yes ☐ No

If Yes, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.

If No, go to Question 7g.

- Were any certainty primary sampling units selected this year? ☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

- g. Report the following outlet sample sizes for the Synar survey.

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

- h. Fill out Form 4 in Appendix A (Forms 1–5).

8. Did the State's Synar survey use a list frame? ☒ Yes ☐ No

If Yes, answer the following questions about its coverage.

- a. The calendar year of the latest frame coverage study: 2007

- b. Percent coverage from the latest frame coverage study: 92.5%

- c. Was a new study conducted in this reporting period? ☐ Yes ☒ No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

- d. The calendar year of the next coverage study planned: 2012

9. Has the Synar survey inspection protocol changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

- a. Provide the inspection period: From 03/06/10 to 6/23/10
MM/DD/YY MM/DD/YY

- b. Provide the number of youth inspectors used in the current inspection year:

68

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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- c. **Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the State used SSES to analyze the Synar survey data.)*

SECTION II: FFY 2011 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2011. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

Plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2011:

Reducing illegal tobacco sales to minors is a major effort of CTCP. Multi-year funding is provided to 61 local health departments, all of which have the opportunity to address reducing tobacco access to minors in their comprehensive tobacco control plans. Additionally, funds are made available to non-profit organizations to address illegal tobacco sales to minors through a competitive grant process. In the last year, many jurisdictions that have enacted local retailer licensing policies have documented significant reductions in illegal sales rates. This trend is anticipated to continue. Looking ahead, CTCP will continue to focus on: 1) supporting the enactment of comprehensive local tobacco retailer licensing policies which incorporate license fees earmarked for enforcement of youth access laws; and 2) providing technical assistance and training to local jurisdictions regarding tobacco retailer licensing implementation issues. The STORE Web site, launched in 2001, provides a one-stop-shopping electronic toolbox of enforcement best practices, advertisements, case studies, checklists, enforcement guidelines, merchant education materials, PowerPoint presentations, sample forms, sample letters, sample opinion editorials, survey instruments, and protocols, etc., aimed at assisting CTCP contractors to strategically address the retail sale and marketing of tobacco. In the near future, CTCP plans to increase the functionality of the California Online Database for Enforcement (CODE), a data management tool for local jurisdictions—as well as the STORE Web site.

CTCP will continue to fund several statewide contracts to support local efforts to reduce the availability of tobacco. TALC, a CTCP-funded agency, revised its model licensing ordinance which provides a template for the funded projects to use locally in developing their policies. In addition, TALC developed two new optional provisions, called “plug-ins,” to strengthen and/or tailor local licensing ordinances to address specific community needs. One of the “plug-ins” caps the number of licenses that can be issued to restrict the number and

density of tobacco retailers in an area, while the other prohibits tobacco retailers near schools and other areas frequented by youth. TALC will continue to train CTCP-funded projects on retailer licensing and comprehensive policies to reduce tobacco availability in local communities around the state. The Center will continue to provide technical assistance and hands-on training to CTCP-funded projects conducting community organizing and strategic planning activities as well as youth access-related policy work in their communities. A special emphasis of the Center's training efforts will continue to focus on local tobacco retailer licensing campaigns, particularly in rural jurisdictions.

CTCP will continue to refresh, develop and provide state-of-the-art, tailored educational materials and utilize advertising and public relations strategies, as resources allow, to promote a reduction in tobacco sales to minors. To coincide with the revitalization of the STORE Campaign Web site, CTCP will explore alternative ways of delivering and packaging education and training information and materials to CTCP-funded contractors, retailers, and law enforcement personnel.

Plans for law enforcement efforts to enforce youth tobacco access laws:

During FFY 2011 the FDB STAKE Act Enforcement Unit will continue to conduct undercover on-site inspections at tobacco retailers using teen-aged decoys as mandated. The STAKE Act's 13 investigators conduct more than 2,500 inspections annually throughout the state, covering a territory encompassing 163,707 square miles. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens. Prior violators may also be targeted for verification of compliance. STAKE investigators continue to support three tobacco access-related ordinances in effect in the Cities of Los Angeles and Santa Ana and Contra Costa County, respectively, by providing contracted STAKE Act enforcement activities therein. Results of contract inspections conducted at retailers within these local jurisdictions are reported to respective local officials in furtherance of local enforcement provisions.

Planned activities that support law enforcement efforts to enforce youth access laws:

Local tobacco control programs will continue to engage in various forms of law enforcement assistance activities, such as youth recruitment, training, violation tracking, surveillance, Law Enforcement Roundtables, merchant education, and policy development. Statewide technical assistance and training will continue to be provided to law enforcement personnel to promote enforcement of local tobacco retailer licensing laws, the STAKE Act, and PC 308(a). CTCP and the POSP Workgroup will monitor local enforcement of the STAKE Act and promote the use of the CODE database as well as the *Tracking and Reporting Illegal Tobacco Sales to Minors: A How-to Guide for Projects Funded by the California Tobacco Control Program*, and update the tool as needed. CTCP and FDB's STAKE Act Enforcement Unit will continue to utilize their Web sites and educational materials to promote the toll-free complaint line created for public reporting of tobacco sales to minors. In addition, technical assistance and training will continue to be provided to tobacco control projects via the STORE Campaign as new, tailored interventions and model policies are developed.

Any anticipated changes in youth tobacco access legislation or regulation in the State:

Senate Bill (SB) 603 was introduced in 2009/2010 legislative session. SB 603 would prohibit the BOE from issuing a new tobacco retail license for a retail location that is located within 600 feet of a school or in an area of overconcentration, as defined, unless an exemption is granted by a local governing body or its designee. This bill would authorize the BOE to take specific enforcement action for violations of the STAKE Act and Penal Code Section 308. Finally, SB 603 would remove the provision in Health and Safety Code which only permits the revocation of a tobacco retailer license for repeated sales to minors convictions in any year in which the statewide rate of illegal sales exceeds 13 percent.

The FDA tobacco legislation (H.R. 1256) provides an opportunity for states to further regulate tobacco products. CTCP has established an internal team to coordinate and prioritize efforts related to implementation of the FDA legislation to regulate tobacco products. The areas of interest for CTCP include the issue of menthol, enforcement, and how to enhance surveillance in the retail environment. CTCP will prioritize issues to determine future trainings and tool development for local communities.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☒ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors
- ☐ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☒ Other challenges (*Please list.*) Lack of publicized research documenting that illegal tobacco sales is associated with youth uptake of tobacco.

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for technical assistance related to each relevant challenge.

Limited resources for law enforcement of youth access laws:

The FDB STAKE Act Enforcement Unit operates with limited staff (13 investigators statewide) within a flat \$1.6 million annual budget which is additionally augmented by funds collected through penalty assessment. The budget situation limits inspection capacity to 8 percent of the approximately 38,000 retailers in the state. FDB has, to date, been unable to secure additional funds to mitigate this resource issue. If additional funding could be secured for STAKE Act enforcement operations, FDB would be able to

hire more staff to cover not just more tobacco outlets, but more of the problem outlets. Added funding would also facilitate possible operational coordination between State and local law enforcement, pursuant to the 2008 STAKE Act cleanup bill (SB 624) now allowing local jurisdictions to enforce this law. Legislative change is a cumbersome process, and proposed bills stand a good chance of failing. Any future legislation that would increase resources for the STAKE program will need to be initiated, supported, and driven by local communities and advocacy organizations. Yet, competing budgetary interests makes it difficult to secure additional resources.

Limited resources for activities to support enforcement and compliance with youth tobacco access laws:

In-kind resources to support a statewide youth access media campaign continue to be very limited. Emphasis will be placed on providing technical assistance to local projects to locally develop media and educational materials and to increase the accessibility of local projects to previously developed CTCP-developed media materials. Although not funded by Synar, new retailer-oriented educational materials will be created by CTCP's materials development contractor and CTCP-funded local projects according to need, and made available to target audiences via the most efficient routes of dissemination.

Financial support for the STORE Campaign and POSP Workgroup activities has been and continues to be provided in-kind, such as the maintenance and enhancement of the STORE Campaign Web site, the provision of technical assistance and training for the field, the publication and dissemination of training materials such as the *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws* curriculum for retailers, the PC 308 Enforcement Training Manual, the Tracking and Reporting of Adjudicated Cases "how-to" guide, and the planning and implementation of regional Law Enforcement Roundtables.

In FY 2009-10, CTCP allocated \$5,247,425 of Prop 99 funds to support the goals of the STAKE Act Program. Additional funds will be needed to conduct these activities in the future, as tax revenues are declining and competition for the remaining funds for comprehensive tobacco control efforts will become even fiercer.

Limitations in the State youth tobacco access laws:

PC 308(a), a criminal law prohibiting the sale of tobacco products to minors, is enforced by local law enforcement agencies. Because the law is enforced through the criminal courts, local district attorneys are often reluctant to prosecute these cases due to their limited time and court costs. Authority for the enforcement of STAKE Act, which is a civilly prosecuted law, is no longer limited to FDB. However, CDPH believes it will be a challenge for local law enforcement agencies to allocate sufficient resources to conduct ongoing STAKE Act youth decoy operations that meet the legislatively defined operational guidelines.

Other than legislative fixes at the state level which come very slowly and are fraught with challenges, CTCP's support for local retailer licensing policies with strong enforcement

enforcement of youth access laws and reducing illegal sales rates in communities across California. Support will continue for local tobacco retailer licensing efforts.

Difficulties recruiting youth inspectors:

The recruitment of youth inspectors is an ongoing challenge for a variety of reasons: a single contractor funded with in-kind monies to conduct youth recruitment activities statewide, conflicting youth priorities, youth aging out of the program, parents who do not want their children to participate, conflicting school schedules, and small rural communities where youth are well known and the anonymity of the youth is compromised. In addition, the sheer size of California presents a challenge in recruiting youth inspectors to cover the entire state.

CDPH will continue helping the youth recruitment contractor tailor recruitment strategies to reach specific communities, groups and institutions and adjust recruitment timeframes to increase the likelihood that youth of appropriate age and ethnic/racial background will be recruited for planned decoy operations.

Other Challenges:

Lack of publicized research documenting that illegal tobacco sales are associated with youth uptake of tobacco:

The evidence-base for the Synar Amendment is relatively weak in comparison to other tobacco control interventions, which makes this program difficult to defend when seeking financial support. Although a recently published national study linking enforcement of underage sales laws and youth smoking (DiFranza, et al., 2009) is a step in the right direction (<http://www.biomedcentral.com/content/pdf/1471-2458-9-107.pdf>), stronger scientific research documenting a link between the initiation of youth tobacco use and the illegal purchase of tobacco would create a stronger argument for additional funding.

APPENDIX A: FORMS 1–5

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate (RVR) using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2011). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

- 1(a) Sequentially number each row.
- 1(b) Write in the name of each stratum. All strata in the State must be listed.

If no stratification was used:

- 1(a) Leave blank.
- 1(b) Write "State" in the first row (indicates that the whole State is a single stratum).

Note for unstratified samples: For Columns 2–5, wherever the instruction refers to "each stratum," report the specified information for the State as a whole.

- Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

- Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

- Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

- Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each subcolumn (a–c) in Columns 2–5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 1 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data.)

[illegible]

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

FORM 2 (Optional)**Appropriate for stratified simple or systematic random sampling designs.**

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and noncomplete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2: In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2011).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, *including* substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the State will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2–6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7–11, it calculates the respective statistic for the State as a whole.

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2011
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
Total										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate ($p=x/n2$)
- N' - estimated number of eligible outlets in population ($N'=N*n1/n$)
- w - relative stratum weight ($w=N'/\text{Total Column 8}$)
- pw - stratum contribution to the weighted RVR
- s.e. - standard error of the stratum RVR

FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data.)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3: In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2011).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

If no stratification was used: Write "State" in the first row to indicate that the whole State constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3–5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
State: _____				
FFY: 2011				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

FORM 4 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4: In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2011).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked "Total."

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked "Total."

Inspection Tallies by Reason of Ineligibility or Noncompletion State: _____ FFY: 2011			
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) (<i>Describe.</i>)	
Other ineligibility reason(s) (<i>Describe.</i>)			
Total		Total	

FORM 5 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5: In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2011).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "Other" row. Calculate subtotals for males and females in rows marked "Male Subtotal" and "Female Subtotal." Sum subtotals for Male, Female, and Other and record in the bottom row marked "Total." Verify that the total of attempted buys and successful buys equals the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

Synar Survey Inspector Characteristics		
State: _____		
FFY: 2011 _____		
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		
18 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
Female Subtotal		
Other		
Total		

APPENDIXES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the State's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: CA
FFY: 2011

1. What type of sampling frame is used?

- ☒ List frame (*Go to Question 2.*)
☐ Area frame (*Go to Question 3.*)
☐ List-assisted area frame (*Go to Question 2.*)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4.)

Use the corresponding number to indicate Type of Source in the table below.

- | | |
|---|--|
| 1 – Statewide commercial business list | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
BOE licensing list	3	The licensing list is provided by BOE. The Cigarette and Tobacco Products Licensing Act of 2003 (California B&P Code Section 22970-22995) requires California retailers of cigarettes and tobacco products to obtain a license from BOE in order to sell tobacco products.	The list is continually updated by BOE.

3. If an area frame is used, describe how area sampling units are defined and formed.

N/A

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?
 _____%

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey? ☐ Yes ☒ No

If No, please indicate the reason they are not included in the Synar survey.

- ☐ State law bans vending machines.
☒ State law bans vending machines from locations accessible to youth.

- ☐ State has SAMHSA approval to exempt vending machines from the survey.
- ☐ Other (*Please describe.*) _____

5. Which category below best describes the sample design? (Check only one.)

- ☐ **Census** (*STOP HERE: Appendix B is complete.*)

Unstratified statewide sample:

- ☒ Simple random sample (*Go to Question 9.*)
- ☐ Systematic random sample (*Go to Question 6.*)
- ☐ Single-stage cluster sample (*Go to Question 8.*)
- ☐ Multistage cluster sample (*Go to Question 8.*)

Stratified sample:

- ☐ Simple random sample (*Go to Question 7.*)
- ☐ Systematic random sample (*Go to Question 6.*)
- ☐ Single-stage cluster sample (*Go to Question 7.*)
- ☐ Multistage cluster sample (*Go to Question 7.*)
- ☐ **Other** (*Please describe and go to Question 9.*) _____

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

N/A

7. Provide the following information about stratification.

a. Provide a full description of the strata that are created.

N/A

b. Is clustering used within the stratified sample?

- ☐ **Yes** (*Go to Question 8.*)
- ☐ **No** (*Go to Question 9.*)

8. Provide the following information about clustering.

a. Provide a full description of how clusters are formed. (If multistage clusters are used, give definitions of clusters at each stage.)

N/A

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

N/A

9. Provide the formulas for determining the effective, target, and original outlet sample sizes.

The effective sample size is given by:

$$n_e = \frac{z_{1-\alpha/2}^2 p(1-p)}{d^2}$$

where,

$z_{1-\alpha/2} = 1.96$, which is $100(1-\alpha/2)$ percentile of the standard normal distribution with $\alpha = 0.05$,

p = target illegal sales rate of 0.2, d = desired precision of 0.03 with respect to the two-sided 95% confidence interval.

The Target sample size, n_t , is the effective sample size times the design effect. The design effect, d_e is 1.0 because the survey uses a simple random sample. Thus, the Target sample size is the same as the effective sample size.

$$n_t = n_e * d_e$$

The original sample size is then given by

$$n_o = \frac{n_t}{r_l r_c},$$

Where r_l is the eligibility rate from the previous year's survey and r_c is the completion rate from the previous year's survey.

The calculated original sample size is further inflated by 60 outlets.

10. Provide the following information about sample size calculations for the current FFY Synar survey.

- a. If the State uses the sample size formulas embedded in the Synar Survey Estimation System (SSES) Sample Size Calculator, please provide the following information:**
- b. If the State does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.**

RVR = 20%

Design Effect = 1

Eligibility Rate = 83.2%

Completion Rate = 98.5%

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: CA

FFY: 2011

Note: Upload to WebBGAS a copy of the Synar inspection form under the heading “Synar Inspection Form” and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading “Synar Inspection Protocol.”

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

b. Youth inspectors to carry ID?

- | | |
|--|--|
| <input type="checkbox"/> Required | <input checked="" type="checkbox"/> Not permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

c. Adult inspectors to enter the outlet?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

d. Youth inspectors to be compensated?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply.)

- ☐ Law enforcement agency(ies)
- ☒ State or local government agency(ies) other than law enforcement
- ☐ Private contractor(s)
- ☐ Other

List the agency name(s): San Diego State University Research Foundation Behavioral Health Institute (BHI)

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☐ Always ☐ Usually ☐ Sometimes ☐ Rarely ☒ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

CTCP contracts with the American Lung Association (ALAC) - STAKE Act project to conduct an ongoing youth decoy outreach program which recruits approximately 300 youth per year to participate in tobacco sales surveys and enforcement activities. ALAC conducts ongoing recruitment activities by coordination and collaboration with health departments and law enforcement agencies. ALAC also partners with school groups, faith-based organizations, youth service groups/agencies, community-based organizations and tobacco control coalitions. Media activities that aid in recruitment such as radio PSA's and marketing activities are also conducted. Behavior modification materials in the form of incentives and stipends are given to youth to promote program recruitment and retention.

CDPH/CTCP entered into an Interagency Agreement with BHI of the San Diego State University Research Foundation to conduct the survey. BHI has substantial experience with conducting youth tobacco purchase surveys. Their responsibilities include: verification of stores, finalizing the survey instrument, recruitment of youth, training of youth and research assistants, conducting the survey, and entering the data.

BHI provided youth participants 1½ hours of training prior to participation in the youth tobacco purchase survey using a standardized training protocol. All youth-identifying data was kept confidential to protect the safety and identity of the youth. Youth were trained with a standardized training protocol.

BHI hired several adult research assistants to conduct the youth tobacco purchase survey in Southern California to augment their staff. The research assistants attended a 2-hour training session prior to conducting fieldwork. At the first store site, the research assistants were observed by BHI staff to ensure that the survey procedures were properly followed. Adult supervisors were trained with a standardized training protocol.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

- a. Legal ☒ Yes ☐ No (If Yes, please describe.)

Minors' immunity from prosecution for survey and enforcement participation is granted in the language of the STAKE Act.

- b. Procedural ☐ Yes ☒ No (If Yes, please describe.)

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

- a. Legal ☐ Yes ☒ No (If Yes, please describe.)

- b. Procedural ☒ Yes ☐ No (If Yes, please describe.)

The safety of minors involved in all STAKE Act enforcement and survey inspection operations is of the utmost concern to all supervising adults and enforcement agents. The safety protocol used by BHI is as follows:

Youth are never sent into potentially volatile or dangerous situations. If adults or youth find themselves in an "uncomfortable" or "confrontational" situation while in a store or neighborhood, they are to exit the area immediately. No one is to confront a store clerk or customer for any reason. Youth are to report "uncomfortable" situations immediately to the accompanying adult.

All participants are instructed to wear seat belts while traveling in a car. Doors should be locked, and every effort made to act in a safety-conscious manner at all times. Adults are to be cautious drivers and obey all traffic rules. Participants should not jaywalk across streets or walk against red traffic lights.

Each accompanying adult is to carry a letter from CDPH verifying the legitimacy of the surveying activities. In addition, adults are required to carry the phone number of a BHI staff member who can be reached during the purchase attempt activities should a problem arise.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☒ **Yes** ☐ **No** (*If Yes, please describe.*)

STAKE Act requires using 15 or 16 year old youth in inspections.

b. Procedural ☐ **Yes** ☒ **No** (*If Yes, please describe.*)

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: _____

FFY: _____

1. Calendar year of the coverage study: _____

2. a. Unweighted percent coverage found: _____ %
b. Weighted percent coverage found: _____ %
c. Number of outlets found through canvassing: _____
d. Number of outlets matched on the list frame: _____

3. a. Describe how areas were defined. (e.g., census tracts, counties, etc.)

b. Were any areas of the State excluded from sampling? ☐ Yes ☐ No

If Yes, please explain.

4. Please answer the following questions about the selection of canvassing areas.

a. Which category below best describes the sample design? (Check only one.)

☐ Census (Go to Question 6.)

Unstratified Statewide sample:

☐ Simple random sample (Respond to Part b.)

☐ Systematic random sample (Respond to Part b.)

☐ Single-stage cluster sample (Respond to Parts b and d.)

☐ Multistage cluster sample (Respond to Parts b and d.)

Stratified sample:

☐ Simple random sample (Respond to Parts b and c.)

☐ Systematic random sample (Respond to Parts b and c.)

☐ Single-stage cluster sample (Respond to Parts b, c, and d.)

☐ Multistage cluster sample (Respond to Parts b, c, and d.)

☐ Other (Please describe and respond to Part b.) _____

b. Describe the sampling methods.

- c. Provide a full description of the strata that were created.

- d. Provide a full description of how clusters were formed.

5. Were borders of the selected areas clearly identified at the time of canvassing?

☐ Yes ☐ No

6. Were all sampled areas visited by canvassing teams?

☐ Yes (*Go to Question 8.*) ☐ No (*Respond to the following questions.*)

- a. Was the subset of areas randomly chosen?

☐ Yes ☐ No

- b. Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.

7. Were field observers provided with a detailed map of the canvassing areas?

☐ Yes ☐ No

If No, describe the canvassing instructions given to the field observers.

8. Were field observers instructed to find all outlets in the assigned area?

☐ Yes ☐ No

If No, respond to Question 11.

If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 12.

9. If a full canvassing was not conducted:

- a. How many predetermined outlets were to be observed in each area? _____

- b. What were the starting points for each area? _____

- c. Were these starting points randomly chosen? ☐ Yes ☐ No

- d. Describe the selection of the starting points.

- e. Please describe the canvassing instructions given to the field observers, including predetermined routes.

10. Describe the process field observers used to determine if an outlet sold tobacco.

11. Please provide the State's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc).

12. Provide the calculation of the weighted percent coverage (if applicable).

SSES Table 1 (Synar Survey Estimates and Sample Sizes)**CSAP-SYNAR REPORT**

State	California
Federal Fiscal Year (FFY)	2011
Date	7/21/2010 10:36
Data	testsses2010.xls
Analysis Option	Stratified SRS without FPC

Estimates

Unweighted Retailer Violation Rate	7.7%
Weighted Retailer Violation Rate	7.7%
Standard Error	1.0%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 9.3%]
Two-sided 95% Confidence Interval	[5.8%, 9.6%]
Design Effect	1.0
Accuracy Rate (unweighted)	84.2%
Accuracy Rate (weighted)	84.2%
Completion Rate (unweighted)	98.5%

Sample Size for Current Year

Effective Sample Size	683
Target (Minimum) Sample Size	683
Original Sample Size	894
Eligible Sample Size	753
Final Sample Size	742
Overall Sampling Rate	2.4%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE:
California
FFY: 2011

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
1	1	37,270	31,392	N/A	N/A	894	753	742	57	7.7%	
Total		37,270	31,392			894	753	742	57	7.7%	1.0%
Over the Counter Outlets											
1	1	37,270	31,392	N/A	N/A	894	753	742	57	7.7%	
Total		37,270	31,392			894	753	742	57	7.7%	1.0%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: California
FFY: 2011

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	742	
Total (Eligible Completes)			742
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	6	
N3	Presence of police	1	
N4	Youth inspector knows salesperson	3	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion (see below)	1	
Total (Eligible Noncompletes)			11
I1	Out of Business	32	
I2	Does not sell tobacco products	42	
I3	Inaccessible by youth	50	
I4	Private club or private residence	9	
I5	Temporary closure	0	
I6	Unlocatable	7	
I7	Wholesale only/Carton sale only	1	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			141
Grand Total			894

Give reasons and counts for other noncompletion:

Reason	Count
incorrect protocol	1

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE:
California
FFY: 2011

**Frequency
Distribution**

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	15	187	14
	16	16	181	11
	17	0	0	0
	18	0	0	0
	Subtotal	31	368	25
Female	14	0	0	0
	15	16	181	16
	16	21	193	16
	17	0	0	0
	18	0	0	0
	Subtotal	37	374	32
Other		0	0	0
Grand Total		68	742	57

**Buy Rate in
Percent by Age
and Gender**

Age		Male	Female	Total
14		0.0%	0.0%	0.0%
15		7.5%	8.8%	8.2%
16		6.1%	8.3%	7.2%
17		0.0%	0.0%	0.0%
18		0.0%	0.0%	0.0%
Other				0.0%
Total		6.8%	8.6%	7.7%